



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 04-39
December 1, 2008

IMPLEMENTATION OF FEDERAL ACQUISITION CERTIFICATION FOR CONTRACTING OFFICER TECHNICAL REPRESENTATIVES (FAC-COTR)

PURPOSE: This PN revises section 1842.270 paragraphs (d) through (g) to implement the Federal Acquisition Certification for Contracting Technical Officer Representatives (FAC-COTR) at NASA.

BACKGROUND: This PN revises the NASA FAR Supplement (NFS) to reflect changes in COTR training requirements and implementation of a certification program mandated by Office of Federal Procurement Policy Memorandum dated November 26, 2007. The NASA FAC-COTR program requires 40 hours of approved basic COTR training and 40 additional hours of continuing education every two years after completion of the basic training.

ACTION REQUIRED BY CONTRACTING OFFICERS: Contracting officers shall ensure individuals have a FAC-COTR before appointing them as COTRs.

CLAUSE CHANGES: Not Applicable.

PARTS AFFECTED: Part 1842.

REPLACEMENT PAGES: You may use the enclosed pages to replace 42:5, 42:6, and 42:6.1 (added) of the NFS.

EFFECTIVE DATE: This PN is effective January 1, 2009.

DO NOT FILE UNTIL JANUARY 1, 2009

TYPE OF RULE AND PUBLICATION DATE: These changes do not have a significant effect beyond the internal operating procedures of NASA and do not have a significant cost or administrative impact on contractors or offerors, and therefore do not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

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Enclosures

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PN List

42:

contracting officer possesses training, qualifications and experience commensurate with the duties and responsibilities to be delegated and the nature of the contract.

(b) NASA Form 1634, Contracting Officer Technical Representative (COTR) Delegation, shall be used to appoint COTRs. A COTR's duties and responsibilities may not be redelegated by the COTR and the COTR may be held personally liable for unauthorized acts. However, this does not prohibit the COTR from receiving assistance for the purpose of monitoring contractor progress and gathering information. When an individual is appointed as a COTR on more than one contract, separate delegations shall be issued for each contract. A separate NASA Form 1634 will be used to appoint an alternate COTR.

(c) A COTR delegation remains in effect throughout the life of the contract unless canceled in writing by the cognizant contracting officer or at any level above that contracting officer. The contracting officer may modify the delegation only by issuance of a new delegation canceling and superseding the existing delegation.

(d) A COTR shall not be authorized to initiate procurement actions or in any way cause a change to the contract or increase the Government's financial obligations. However, delegations may be made to construction contract COTRs to sign emergency on-site change orders in accordance with NFS 1843.70. Contracting officers shall specify in NASA Form 1634 a not to exceed limitation on COTR authority. In no event shall the limitation exceed \$25,000.

(e) Each COTR shall acknowledge receipt and accept the delegation by signing the original delegation letter and returning it to the contracting officer. The contracting officer shall file original of the COTR delegation letter in the applicable contract file. Copies of the signed COTR delegation letter shall be distributed to the COTR, the contractor, and each cognizant contract administration office. Acknowledgment and distribution for terminations of COTR delegations and COTR delegations which revise authority, duties and responsibilities shall follow the same rules.

(f) Federal Acquisition Certification for Contracting Officer Technical Representatives (FAC-COTR) Requirements

(1) These requirements apply to all individuals appointed as COTRs and alternate COTRs on NASA contracts. These requirements do not apply to individuals managing grants, or awards made under NASA's Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs. NASA FAC-COTR Program will be managed by the Acquisition Career Manager (ACM) within the Office of Procurement.

(2) FAC-COTR certificates from any civilian agency are equivalent to NASA FAC-COTR certificates. The following certificates, from NASA or any civilian agency, are equivalent to a NASA FAC-COTR certificate:

- (i) Federal Acquisition Certification in Contracting (FAC-C) Level I or above; or
- (ii) Federal Acquisition Certification for Program and Project Managers (FAC-P/PM) Mid-Level/Journeyman.

(3) An individual with a FAC-COTR does not necessarily meet the requirements for the FAC-C Level I or the FAC-P/PM mid-level/journeyman.

(4) For recordkeeping purposes, individuals with equivalent certificates who will be appointed as COTRs must submit a copy of their equivalent certificate to the ACM to be recorded as meeting NASA FAC-COTR requirements.

(5) Basic COTR Training. To earn a NASA FAC-COTR certificate, individuals must complete 40 hours of basic COTR training approved by the ACM. ACM approved training is

available under the NASA Shared Service Center's Agency-wide COTR Training Blanket Purchase Agreement (BPA).

(6) Continuing Education. COTRs must maintain their skills currency through continuing education. To maintain a FAC-COTR, COTRs are required to earn 40 continuous learning points (CLPs) of skills currency training every two years. The two-year continuous learning cycle is set for all civilian agencies for the following timeframes: October 01, 2009, until September 30, 2011, October 01, 2011 until September 30, 2013, and so forth.

(7) With the exception of the NASA-specific COTR refresher training, there are no specific courses required for COTR continuing education. Supervisors remain responsible for working with COTRs to identify those activities and opportunities of greatest benefit to the professional development of an individual. The training, professional activities, education and experience that are used to meet the continuing education requirements must be job related.

(i) Each two-year cycle shall include NASA-specific COTR refresher training which has been approved by the ACM. ACM approved training is available under NASA Shared Service Center's Agency-wide COTR Training BPA.

(ii) Appendix A to the Office of Federal Procurement Policy's memorandum, The Federal Acquisition Certification for Contracting Officer Technical Representatives, dated November 26, 2007, provides additional guidance on determining continuous learning points. The memorandum is available at <http://www.fai.gov/pdfs/11-26-COTR-Memo.pdf>.

(8) A FAC-COTR will expire if the continuing education requirements are not met and the individual will no longer be eligible to be a COTR.

(9) FAC-COTR training, both basic and continuous, will be tracked in SATERN. COTRs are responsible for ensuring their SATERN learning history is accurate.

(g) The contracting officer shall verify that the proposed COTR has a FAC-COTR before signing NASA Form 1634. The Procurement Officer (PO) may defer, for a period not to exceed six months, all or part of the FAC-COTR requirements in writing, on a case-by-case basis, if granting the deferment is in the best interest of the Agency. This authority shall be used only when necessary. A written justification shall specify the reasons for and conditions of the deferment. A copy of the justification shall be furnished to the ACM and documented in the contract file(s).

(1) If the proposed COTR has not completed basic COTR training, the PO shall ensure the proposed COTR receives appropriate interim training until the required COTR basic training is completed. Interim training is a stop gap measure to ensure the COTR understands his or her authority and responsibilities. It may include a briefing or on-line training. Completion of the interim training shall be documented in the applicable contracts file(s).

1842.271 NASA clause.

Insert the clause at 1852.242-70, Technical Direction, when paragraph 3(m) of the NASA Form 1634 specifically authorizes a COTR to issue technical direction.

Subpart 1842.3--Contract Administration Office Functions

1842.302 Contract administration functions.

(a) In addition to the responsibilities listed in FAR 42.302(a), responsibility for reviewing earned value management system (EVMS) plans and verifying initial and continuing contractor

compliance with NASA and DoD EVMS criteria and conformity with ANSI/EIA Standard 748, Industry Guidelines for EVMS, is normally delegated to DCMA.

Subpart 1842.5--Postaward Orientation

1842.503 Postaward conferences.

(1) A postaward conference shall be held with representatives of the contract administration office when --

(i) A contract is expected to exceed \$10,000,000;

(ii) Contract performance is required at or near a NASA installation or NASA-controlled launch site;

(iii) The delegation will impose an abnormal demand on the resources of the contract administration office receiving the delegation; or

(iv) Complex contract management problems are expected, particularly risk management areas identified during program and acquisition planning, e.g., significant or unusual mission success, technical, cost, schedule, safety, security, occupational health, environmental protection, and export control risks.

(2) Procurement officer approval is required to waive a post-award planning conference for contracts meeting any of the criteria in paragraph (1) of this section. The request for procurement officer approval to waive a post-award conference shall address action taken and planned to ensure effective communication with the contract administration office during the performance of the contract.

